

MORAL AGENCY AS A DYNAMIC CONSTRUCT: REASSESSING CRIMINAL RESPONSIBILITY THROUGH THE LATENT DYNAMICS MODEL

Sergio Pommier Gallo, PhD

ORCID: 0009-0000-7387-3943

ORCID Profile: <https://orcid.org/0009-0000-7387-3943>

Web of Science ResearcherID: QDO-1840-2026

Web of Science Research Profile:

<https://www.webofscience.com/wos/author/record/QDO-1840-2026>

Academic Blog: <https://sergiopommiergallophd.blogspot.com>

Abstract

This paper examines the limitations of traditional conceptions of moral agency within contemporary criminal responsibility doctrine. Classical criminal law has historically relied upon relatively stable assumptions concerning rational choice, voluntary conduct, intentionality, and individual autonomy. However, advances in criminology, neuroscience, behavioral sciences, environmental criminology, and digital criminology increasingly demonstrate that human decision-making emerges through complex interactions among biological, psychological, social, environmental, and technological variables. This study introduces the Latent Dynamics Model (LDM) as a theoretical framework capable of reconceptualizing moral agency as a dynamic and continuously evolving construct rather than a fixed attribute of individual actors. Through qualitative doctrinal analysis integrating criminal responsibility theory, moral philosophy, criminological scholarship, and contemporary scientific developments, the paper argues that criminal responsibility should be understood as the product of multilevel dynamic interactions rather than exclusively individualistic decision-making processes. The findings suggest that traditional responsibility models remain valuable but require conceptual adaptation to address increasingly complex criminogenic environments. The study concludes that the Latent Dynamics Model provides a more comprehensive

framework for understanding culpability, agency, and criminal behavior within contemporary legal systems.

Keywords: moral agency; criminal responsibility; Latent Dynamics Model; criminology; culpability; criminal law theory; neuroscience; behavioral dynamics; legal responsibility; criminal justice.

1. Introduction

The concept of moral agency occupies a foundational position within criminal law. Modern legal systems generally assume that criminal liability requires an individual capable of understanding conduct, evaluating consequences, and exercising meaningful control over behavior. Concepts such as *mens rea*, culpability, blameworthiness, and criminal responsibility depend upon underlying assumptions regarding the existence of autonomous moral actors.

Historically, these assumptions emerged from philosophical traditions emphasizing rationality, free will, and individual accountability. Criminal law consequently developed around the notion that offenders function as relatively independent decision-makers whose unlawful conduct results from voluntary choices. While this framework has provided the normative foundation for criminal justice systems for centuries, contemporary scientific and criminological developments increasingly challenge simplistic understandings of human decision-making.

Advances in neuroscience reveal significant relationships between neurological functioning and behavioral regulation. Criminological research demonstrates the influence of social environments, structural inequalities, victimization histories, peer networks, and situational opportunities upon criminal behavior. Digital technologies introduce additional variables capable of shaping cognition, perception, and decision-making processes.

These developments do not eliminate individual responsibility. However, they suggest that moral agency operates through dynamic interactions involving multiple causal influences rather than through isolated individual autonomy.

Research Question: To what extent do traditional criminal responsibility doctrines adequately account for the dynamic and multilevel processes that shape moral agency within contemporary criminological environments?

Hypothesis (H1): Traditional criminal responsibility frameworks remain conceptually incomplete because they treat moral agency as a relatively fixed characteristic rather than as a dynamic construct emerging from continuous interactions among biological, psychological, social, environmental, and technological variables.

2. Theoretical Framework

This study integrates criminal responsibility theory, moral philosophy, criminological scholarship, neurocriminology, environmental criminology, and the Latent Dynamics Model.

Classical criminal law traditionally associates responsibility with intentional conduct and voluntary action. The legal assessment of culpability generally focuses upon the mental state of the offender at the time of the offense. Under this model, agency functions as a relatively stable characteristic permitting attribution of blame.

Contemporary criminological scholarship presents a more complex picture. Individual behavior frequently emerges through interactions involving developmental influences, environmental pressures, cognitive processes, social learning mechanisms, opportunity structures, and institutional contexts. These factors do not eliminate agency but influence its expression.

The Latent Dynamics Model proposes that criminal behavior should be understood as an emergent product of continuous multilevel interactions. Within this framework, agency is neither completely determined nor entirely autonomous. Instead, it exists within a dynamic system in which biological, psychological, social, environmental, and technological variables continuously interact.

The model therefore rejects both extreme determinism and absolute voluntarism. Human beings retain decision-making capacity, yet that capacity operates within evolving contexts capable of facilitating, constraining, or modifying behavioral outcomes.

Theoretical integration of these perspectives permits a more sophisticated understanding of responsibility that remains compatible with legal accountability while acknowledging contemporary scientific knowledge.

3. Methodology

The study employs qualitative doctrinal methodology combined with comparative criminological analysis.

Primary materials examined include:

- criminal responsibility doctrine
- culpability theory
- moral philosophy scholarship
- criminological literature
- neurocriminological research
- behavioral science studies
- comparative criminal law frameworks

Analytical variables include:

- moral agency
- voluntariness
- decision-making processes
- environmental influences
- criminogenic structures
- cognitive regulation

- responsibility attribution
- dynamic behavioral interaction

The methodological objective is not to replace criminal responsibility doctrine but to evaluate its compatibility with contemporary scientific and criminological developments.

4. Results

The analysis identifies five major dynamics affecting contemporary understandings of moral agency and criminal responsibility.

4.1 The Instability of Fixed Agency Models

Traditional legal doctrine frequently assumes relatively stable moral actors capable of exercising consistent decision-making capacities.

Contemporary evidence demonstrates significant variability in behavioral regulation resulting from psychological states, neurological conditions, environmental pressures, developmental experiences, and social contexts.

This variability suggests that agency should be understood as dynamic rather than static.

4.2 Multilevel Interaction and Behavioral Emergence

Criminal behavior rarely emerges from a single causal factor.

Instead, behavior develops through interactions involving:

- biological predispositions
- cognitive processes
- social influences
- environmental opportunities
- institutional conditions

- technological environments

The resulting conduct represents an emergent outcome of interacting variables rather than an isolated act of individual choice.

4.3 Environmental Modulation of Responsibility

Environmental criminology demonstrates that criminal opportunities are not evenly distributed.

Neighborhood conditions, social disorganization, routine activities, economic inequalities, and exposure to violence significantly influence behavioral outcomes.

The Latent Dynamics Model conceptualizes these influences as dynamic environmental variables capable of shaping decision-making processes without eliminating responsibility.

4.4 Technological Mediation and Digital Agency

Contemporary digital environments increasingly influence cognition and behavior.

Algorithmic recommendation systems, behavioral targeting architectures, social media ecosystems, and digital communication networks shape exposure to information, perceptions of social norms, and behavioral opportunities.

These technological structures create new dimensions of agency that traditional criminal responsibility theories were not designed to address.

4.5 Dynamic Responsibility Rather Than Deterministic Excuse

The findings do not support deterministic interpretations of criminal behavior.

Instead, the evidence suggests that responsibility should be understood dynamically.

Individuals remain accountable for criminal conduct, but accountability operates within systems characterized by continuous interaction among multiple behavioral influences.

This perspective preserves criminal responsibility while improving explanatory accuracy.

5. Discussion

The findings support the hypothesis that traditional criminal responsibility doctrines remain partially misaligned with contemporary scientific and criminological knowledge.

Classical responsibility models emerged during historical periods in which human behavior was largely conceptualized through simplified assumptions regarding rational choice and individual autonomy. Contemporary research increasingly demonstrates that behavior emerges through more complex and dynamic processes.

The Latent Dynamics Model offers a framework capable of reconciling legal accountability with empirical complexity.

Importantly, the model does not seek to undermine criminal responsibility. Rather, it seeks to strengthen doctrinal analysis by providing a more realistic understanding of how agency operates within contemporary environments.

The distinction is significant.

A dynamic conception of agency does not imply diminished accountability. Instead, it permits more precise evaluation of culpability, risk, rehabilitation potential, and behavioral regulation.

The model additionally contributes to ongoing debates concerning neurocriminology. Neuroscientific evidence has generated concerns regarding the future viability of traditional responsibility doctrines. The Latent Dynamics Model avoids both neuroscientific reductionism and legal formalism by recognizing that biological variables represent only one component within broader dynamic systems.

Similarly, digital criminology increasingly demonstrates the influence of technological environments upon human behavior. Contemporary criminal law must therefore address forms of agency operating within technologically mediated contexts characterized by algorithmic influence and behavioral optimization systems.

The integration of these perspectives allows criminal responsibility doctrine to evolve without abandoning its normative foundations.

6. Conclusions

Moral agency remains an essential concept within criminal law.

However, contemporary scientific, criminological, and technological developments increasingly challenge traditional assumptions regarding the nature of human decision-making.

This paper argues that agency should be understood as a dynamic construct emerging from continuous interactions among biological, psychological, social, environmental, and technological variables.

The Latent Dynamics Model provides a theoretical framework capable of integrating these influences while preserving the normative foundations of criminal responsibility.

The findings suggest that future criminal law scholarship should move beyond rigid dichotomies between determinism and free will and instead embrace dynamic models capable of explaining the complex realities of contemporary human behavior.

A dynamic conception of moral agency offers a more comprehensive foundation for evaluating culpability, responsibility, and criminal conduct within increasingly complex criminogenic environments.

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